



3. Defendants do not waive any other rights, objections, defenses, or claims, including the right to challenge personal and subject matter jurisdiction and venue. Nor do Plaintiffs waive any other rights, objections, arguments, or claims concerning those issues, except as set forth in the following paragraphs. Similarly, other than as set forth herein, this Stipulation does not prejudice any other positions that Plaintiffs or Defendants may take later in this Litigation.

4. Plaintiffs agree that they will not argue that waiver of service or negotiation of this Stipulation supports personal jurisdiction over Defendants. Defendants will not object to or challenge personal jurisdiction on the basis of any argument that Plaintiffs have failed to serve a summons or to file a waiver of service as required under Federal Rules of Civil Procedure 4(k)(1) and (2). Defendants shall retain the right to object to or challenge personal jurisdiction on any other basis.

5. Plaintiffs agree that Defendants will not be deemed “served” in any “district court of the United States” for purposes of 18 U.S.C. § 2334(a) as a result of waiving service.

6. In the interest of party and judicial efficiency, Plaintiffs and Defendants agree to stay the deadline for Defendants’ response to the Complaint until after the Court issues a decision on the pending motion to dismiss in the *Finan v. Lafarge*, No. 1:22-cv-07831; *Foley v. Lafarge*, No. 1:23-cv-05691; and *Fields v. Lafarge*, No. 1:23-cv-00169 cases (“MTD Decision”).

7. The parties agree to confer within one (1) week after the Court’s MTD Decision regarding the date by which a response to the Complaint in the instant action shall be due.

8. Should the above-captioned litigation proceed to discovery, Plaintiffs will endeavor to avoid duplicative discovery with that conducted in the three actions subject to the MTD Decision.

9. Should the above-captioned litigation proceed to discovery, the parties agree that Plaintiffs in the above-captioned litigation will join any protective order governing discovery materials that may be entered in the three actions subject to the MTD Decision.

DATED: February 23, 2024

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**SO ORDERED:**

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HON. N. G. GARAUFIS